

MINUTES
NEVADA HOMELAND SECURITY COMMISSION
THURSDAY, APRIL 1, 2004 - 9:30 A.M. - 4:30 P.M.

COMMISSION MEMBERS IN ATTENDANCE: Lt. John Alamshaw, Mr. Dennis Balaam, Chairman Jerry Bussell, Mr. Tod Carlini, Mr. Robert Fisher, Vice-Chairman Jerry Keller, Ms. Ellen Knowlton, Ms. Maria Lipscomb, Mr. Chuck Lowden, Ms. Kimberly McDonald, Ms. Maureen Peckman, Mr. Jack Staley, Mr. Doyle Sutton, General Giles Vanderhoof, Ms. Larma Volk, Mr. Lawrence Weekly, and Sheriff Bill Young. Deputy Attorney Glade Myler was also in attendance.

LEGISLATIVE MEMBERS IN ATTENDANCE: Senator Dennis Nolan, Assemblyman William Horne

COMMISSION MEMBERS ABSENT: Mr. Dale Carrison, Mr. Michael Mayberry, Mr. Robert Cashell, and Mr. Richard Brenner.

AGENDA ITEM #1: **CALL TO ORDER/ROLL CALL/OPENING**
 REMARKS BY CHAIRMAN BUSSELL

Chairman Jerry Bussell called the Nevada Homeland Security Commission to order at 9:04 a.m. Ms. Lindsay Eaton took roll call and determined there was a quorum available for the meeting. Chairman Bussell stated that agenda items #2 and #7 are for discussion of the same subject.

AGENDA ITEM #2: **APPROVAL OF SHORT TERM PLAN PERSUANT TO**
 THE APPROVAL OF STATE HOMELAND SECURITY
 STRATEGY (Dennis Cobb, Deputy Chief, Metro
 Technical Services Division)

Mr. Dennis Cobb, Deputy Chief of the Las Vegas Metro Police Department's Technical Services Division gave a presentation on the draft short term communications interoperability plan for the State of Nevada to connect the Four Core System. The Four Core System is comprised of Nevada Shared Radio System (NSRS), Southern Nevada Area Communication Council (SNACC), Washoe County Regional Communication system (WCRCS) and Las Vegas Metropolitan Police (LVMPD). The plan specifies regional communication and interface. The short term plan also addresses crisis interoperability, is beneficial from the operational and flexibility standpoints, and extends urban technology to the rurals. Mr. Cobb stated that this plan was not a vendor specific solution. He said he also realized that a large amount of time and monies have already been invested in the major radio systems in Nevada. However he sees opportunity because the plan allows for the linking of other systems to smaller set of variables which simplifies the process and leverages the investment the State has already made in the system.

Vice Chairman Keller asked to hear comments from representatives from each of the Four Core Systems:

WASHOE (Balaam): the system has been long in planning; it works well; it's a starting point to tie the State together; supports bringing all agencies together

METRO (Young): it's a good plan and it makes sense; everyone has concerns about money but this plan maximizes the efficiencies of the current system; radio interoperability is number one priority-we all need to be able to talk to each other; sees the "short term plan as most optimum solution"

SNACC (Staley): SNACC supports all fire (except Boulder City) in Clark County, Henderson Police Department, the School District police, water authority; the subcommittee did a good job putting this plan together at the request of the Chairman

DPS (Togliatti): a good plan and a needed plan; concerned with his 800 MHz system not operating in Las Vegas; concerned about ownership of the system; wants to be a player

but doesn't have the technology or equipment to operate the system today; supports the plan conceptually but not on board with the practical application; asked if the DOIT survey was incorporated in this

Mr. Cobb stated that the system focuses on specific links because of ownership. With regard to the DOIT survey; Cobb said that it would identify vulnerabilities and capabilities. The subcommittee recognizes the need to contribute to what the Commission needs to make decisions. The Commission in turn is setting the course which allows for negotiation and coordination as to how to proceed forward. Mr. Togliatti again expressed that his Core piece does not work today.

STATE/GOVERNOR'S OFFICE (Bussell): the intent was to have a plan on the table by the April 1 date as stated in the State Strategic Plan; the plan has been written and approved and is part of a continuum that gets us going in the right direction

Mark Blomstrom, deputy director of Department of Information Technologies (DOIT) stated that DOIT acts as an administrator for the subcommittee. DOIT received a \$300,000 planning grant that will incorporate work with a consultant. The grant supports 1)a survey of gathering data of first responders with the focus on identifying interoperability links and 2)examining current plans and current moves made by the federal government in relation to the frameworks in which to achieve interoperability.

Maureen Peckman commented on the challenges some entities face in the short term. She said she encourages the survey to create a list of vulnerabilities to give those entities a level of comfort and alleviate fear.

Mr. Cobb stated that the point of the plan was to emphasize the initial step to capitalize on opportunities at hand, not to ignore issues of vulnerabilities-vulnerabilities are costly to fix; they are real and they exist today.

Mr. Lawrence Weekly asked if a plan was in place to educate elected officials on the protocol of this plan. Mr. Cobb said the plan suggests that the state lay out operational testing of abilities that are going to be supported by the link system. Exercises are practical and requirements should be made by the Commission for exercises to be completed on a regular schedule to show that familiarity and expertise be kept up so that the agency can operate the radios brought out to them.

Kimberly McDonald was concerned about the component of funding for the Four Core System, competition for grants, and implementation of the accessibility of each system. McDonald asked if the finance subcommittee could attack some of those issues and come back with a resolution. Mr. Cobb said that grant submittals in the past put together regional requests. He further stated that he doesn't see any reason that if the State adopted this plan that the Homeland Security Commission couldn't say they'd give first consideration to regional requests rather than agency requests. This approach makes better sense and encourages collaboration.

Bob Hadfield expressed concern about the DOIT study to take place-he wished the study had been done before the subcommittee did their work. He asked what the Commission's action today would constitute. Is it priority funding? "What are we doing today in our action to adopt this plan?"

Vice Chairman Keller responded by stating that no common plan exists in Nevada. The "plan leverages the weight of monies previously spent into a common plan-which is what the Governor and the Legislature have asked us [Commission] to bring them a recommendation and this is not a cheap fix." Keller also stated that the plan must ensure 1) it is not vendor driven-that it comprises a set of standards all can strive toward; 2) that monies are targeted to lever 4 (upper tier) solutions-the subcommittee experts must craft the guidelines; and 3) must be a radio system that works for everyday.

Keller: "The charge to the Commission today is to determine if we believe in the overall global sense that this plan has merit, that it leverages public tax dollars, we recognize that there will be some costs. And somewhere when the 4 big horses get in front of the wagon it's gonna be that one will get drug behind and that's going to be the unfortunate circumstance and then those 4 horses work together to bring the person up to the front of the wagon as well."

Tod Carlini asked about timing and how we got from March 2 to today because it was not reflected in the minutes as it should. "In seeking approval today it is also the intent then to look for funding out of the '04 allocations?"

Mr. Cobb responded by requesting leadership from the Commission. The Commission should narrow down to specific set of workable priorities or a set of objectives for the subcommittee to come back to say this is how the priorities are shaping up.

Mr. Carlini said that the Bussell memo specifically addressed consolidated grant proposals seeking appropriate funding to achieve interoperability objectives. He is curious to the necessity to approve this in relation to '04 funding.

Mr. Bussell said the importance of the presentation has nothing to do with funding. You have to decide where you're going first then you can figure out if you can pay for it. Time is of the essence. Those who worked the plan are part of the subcommittee. The plan was written separate so that the subcommittee could evaluate the plan.

Mr. Carlini said that no recommendation was coming out of the subcommittee to support the plan. He believes the subcommittee should come back with a recommendation. His concern lies with a procedural issue.

Jack Staley said the plan was available to all on the subcommittee.

Vice Chairman Keller said he needed validation. If the Commission is to act on this then the recommendation needs to come from the subcommittee.

Mark Blomstrom said that at the last meeting the plan was discussed in pieces and that they didn't get to the part to make a recommendation. However, the plan is marked "DRAFT" and is a near term plan and serves as a foundation for the long term plan that will coincide with the October timeline.

Ms. McDonald expressed her appreciation for procedure and said she understood that members of the Communications subcommittee were aware of this particular proposal. "I would offer that one of the members in addition to Commissioner Staley go ahead and make the official recommendation since that was the understanding. I wouldn't like for us not to pass this through and potentially jeopardize the funding since this is linked to the strategy."

Chuc Lowden expressed concerns with the speed at which this is moving and also concerns about funding to put links in place. Mr. Cobb said that the plan as discussed in the Committee emphasizes the links rather than the systems. He also stated that funding is a challenge for every agency and the state as a whole, but at least it [the plan] establishes a framework. "From the committee perspective what it will allow us to do is to give you requests and give you suggestions that are consistent and meet an overall state idea of what communications interoperability should be for the state of Nevada." Lowden then commented on the expense and the problem of no one in control of the system.

Keller commented that the Commission has an opportunity to step forward-this plan is not an umbrella over the state.

Sheriff Young called the Chairman of the Communications subcommittee forward regarding the follow-up with Tod (procedure issue). The following dialogue ensued:

Young: "Jack, as a co-chair, would it be your recommendation that we move this position forward?"

Staley said that at the last meeting because Jerry wanted to get something for this meeting, the draft was out and available to all and for anyone to make changes and add input to contact Mark.

He communicated with Jerry that this was coming out of the subcommittee. Staley noted that he had not seen the meeting minutes from the previous communications subcommittee meeting. Young stated that Staley did not answer his question. Staley: "Do I recommend that? Yes I do." The Sheriff thanked him for answering his question.

Senator Nolan raised a question about the funding-does the funding come out of general appropriations. Vice Chairman Keller said that the plan needed to get out and that it was necessary "to ask the subcommittee to come back and give us a cost analysis, having another meeting in a couple of months then they bring back the details. We look at every agency and have the IT assessment."

Commissioner Vanderhoof commented that the monies can come from a variety of sources and that "it is up to us to provide that direction and that's what this plan does without flushing out all the specifics." Vanderhoof said that the Commission needed to step out and approve on this plan today and set the direction.

Sheriff Balaam made a motion, in concept, to move forward as this Commission, with the plan. Vanderhoof seconded the motion. MOTION PASSED UNANIMOUSLY.

Keller then clarified by stating, "It is my understanding of this that we are giving direction to the Communication Subcommittee to pursue further detail in this common scheme and plan, having the Four Core System. And at our next meeting we will expect a presentation from the subcommittee, whoever their presenter is, to give us an update and a status as to where we are and to hopefully have some costs lined out and then we might look at where funding might come from."

Bob Hadfield commented that he didn't like the way business was conducted and thought that the Commission should look at setting up policies for the future. It should adopt policies as a Commission regarding receipt of agendas and support materials and what kind of role expected by the subcommittees bring forth.

Vice Chairman Keller said that while business today was odd, he believed it was important to move forward in concept. "We have not authorized an expenditure of a dollar, we've simply asked the subcommittee in a motion to provide further detail." "It's important to get the detail. We don't know where the money needs to be put yet or where it's going to come from and that's the request we made of the subcommittee to bring back a financial plan at the next meeting."

Tod Carlini said he wasn't in opposition. He encouraged the communications subcommittee to answer those questions raised with this issue. He was very interested in applying the cost to all these different options or to each area. "If communications issue, interoperability communications issue, becomes the major focus there may be a year we deviate from that and decide that it may be appropriate to help fix the state system or may be appropriate to support the largest threat in this state, which is Southern Nevada." His final comment was that we shouldn't let individual dollars cloud our thinking.

Vice Chairman Keller stated that it is always best to form a plan and then fund the plan.

Kimberly McDonald said that the By-Laws and Legislative committee would be happy to come up with procedures and would have that at the next meeting.

Mark Blomstrom said it would be unlikely to have the total costs at the next meeting-Keller said to do the best the subcommittee could.

Chuc Lowden asked if the survey funded by DOIT could be worked with the issues raised today. Blomstrom said that it is part of the assessment; that the work would be directed by the Communications subcommittee who will be working with the consultant and directing the survey.

AGENDA ITEM #3: **AN EMERGENCY WEB PORTAL (Mr. Chris Warner, All Alert Network)**

Commissioner Fisher explained that last month the Board of Directors of the Nevada Broadcasters Association established the Nevada Broadcasters Association's Emergency Management Sub-Committee, as they take the responsibility of broadcasters very seriously.

Through the work with Amber Alert, it is forcing all of the states to ensure their emergency alert system is working. Almost three years have been spent in rebuilding the emergency alert system in Nevada. Commissioner Fisher introduced Ms. Adrienne Abbott, who is the state Chairman of the Emergency Alert system for the state of Nevada and two others who had flown in from Scottsdale, AZ; Mr. Chris Warner from All Alert Network and Mr. Tim Gorbely, who works with Amber Alert 911.

Mr. Chris Warner spoke about his organization's work to develop an all-alert network that spans across all states. They are now working with FEMA, Homeland Security, the Department of Justice, and every cellular phone company. FEMA is looking at this as a model for their all-alert network. The model will provide the ability for the first responder to directly access people, agencies, and broadcasters who need information about the alert, all simultaneously. The Amber Alert system operates over audio airwaves and the systems are not connected to the Internet; however, Mr. Warner's company has utilized a \$6 cable and a small piece of software that has been patented which connects the emergency alert system to the Internet.

Mr. Warner explained that the activating officer puts information through a portal and simultaneously the emergency alert system is activated, all of the broadcasters get the information on their websites and all of the alerting information simultaneously in a format they can reproduce for each of their own missions. The public and anyone else gets the information via e-mail, fax, pager, cell phone, etc. There is a satellite component and the information can be put into an IP format and satellites will be used for a fraction of the cost.

Mr. Warner provided a review of the All Alert Network system and discussion ensued. Arizona and the state of Washington are working on dates to launch this program and Washington just finalized their statewide Amber Alert. No vendor is involved with this, and all of this is donated technology and services. Mr. Warner will be in Washington D.C. within the next two weeks and will be meeting with representatives from the U.S. Department of Homeland Security to take the system to the next level.

AGENDA ITEM #4: **APPROVAL OF MINUTES**

Vice-Chairman Keller made a motion to approve the minutes from meetings held on January 8, 2004, January 22, 2004, and February 17, 2004. The motion was seconded and the vote was unanimous to accept the minutes as written.

AGENDA ITEM #5: **LEGAL ISSUES UPDATE (Mr. Glade Myler, Dep. Attorney General)**

Mr. Glade Myler, Deputy Attorney General for the Commission, provided the commissioners with a legal opinion regarding the Hatch Act handed down from the Office of Special Counsel. The opinion concluded the Hatch Act would not apply to any of the commissioners and that the Commission members can vote on funding issues, even when federal funding was involved or if the member was an elected official.

Mr. Myler stated he did not have a legal opinion yet on whether the sub-committees were required to follow the Open Meeting Law for their meetings. The Attorney General's Open Meeting Law section will be responsible for providing the legal opinion. Until that opinion is passed down, Mr. Myler's opinion is that all subcommittees should follow the Open Meeting Law until such time as the legal opinion has been received.

Vice-Chair Keller asked Mr. Myler to clarify that he is asking all sub-committee's to post all of their meetings, including recording and transcribing of the meetings. Vice Chairman Keller feels the Commission is an advisory board, the sub-committees were formed to do research and to provide input, however the sub-committees are not making the ultimate decisions. That is the purpose and function of the full Commission. He requested Mr. Myler advise the Attorney General of the Commission's point of view on this, as the Commission has been waiting for three months to receive the legal opinion. The Vice-Chairman went on to say that it is important to the function of the Commission, and the sub-committees who are asked to provide research, that they have the freedom to communicate via telephone due to the statewide distances involved. He requested Mr. Myler express this to the Attorney General's office and see if an answer /opinion could be provided as quickly as possible so the Commission will know if the sub-committees are violating the law or not. Vice-Chair Keller said it would be practically impossible to have sub-committee meetings across the state posted because legal counsel is not available for every subcommittee meeting and sub-committees are chaired by individuals from the north and south and even by some individuals who are not members of the Commission. Mr. Myler stated he had already expressed this concern, however he has no idea when the opinion will be available. More discussion ensued and Vice-Chair Keller asked Mr. Myler again if the legal opinion was that all sub-committees had to follow the Open Meeting Law, and asked if Mr. Myler would be able to appeal that decision. Mr. Myler said he could express his concerns. Vice-Chairman requested he express those concerns before the decision is written.

Mr. Myler also stated that he has been in contact with Mr. Steve Moyer, Co-Chair of the Commission's Utility Subcommittee and Mr. Gordon Dechman from the Las Vegas Metro Police Department regarding the issue of sensitive documents. Mr. Myler said he had reviewed the sensitive documents policy that will be discussed in agenda item #6, from a legal standpoint and commented that a few things needed to be worked out.

Commissioner Bob Fisher said the Commission discussed having a representative or proxy attend a Commission meeting due to if a commission member was unable to attend due to scheduling difficulties. Because of the business being done and the mission of the Commission, it was decided it was not appropriate to send a representative to the meeting. Mr. Fisher said he felt the Attorney General should be sitting on the Commission so he could see that timeliness was an issue: the Commission cannot wait another 180 days to get an opinion. Vice-Chair Keller asked Chairman Bussell if he would contact Attorney General Sandoval in person to discuss this issue and Chairman Bussell said he would do so and invited Commissioner Fisher to join him.

Commissioner Vanderhoof stated he felt this issue is interfering with the subcommittee meetings. We are holding up business because we cannot get an answer and he does not feel any sense of urgency coming back from the Attorney General's office.

After further discussion, Vice-Chairman Keller suggested that Mr. Myler ask for a delay in sending out the legal opinion because he feels Chairman Bussell needs to speak to the Attorney General and that further clarification is needed about this issue. The Commission does not want an answer that would cause serious delays if posting of all subcommittees meetings were required.

Assembly Horne asked if we could get an alternative decision due to the nature of the commission and the sensitivities and the urgencies involved. He asked if there was a procedure in which the sub-committees could be exempt by making an application? Mr. Myler checked into the Open Meeting Law extensively but there is no such procedure in place for doing that.

AGENDA ITEM #6:

CLASSIFICATION POLICY (Mr. Steve Moyer, Co-Chair, Utilities Sub-Committee; Dennis Cobb, Deputy Chief, LV Metro Police Department, Gordon Dechman, Information Technologies)

Mr. Moyer stated the Utility Sub-Committee has unanimously endorsed the classification. The working group involved in producing this plan was Mr. Steve Moyer, Mr. Dennis Cobb of LV Metro Police Department, and Gordon Dechman from Information Technologies. They presented the classification plan to the sub-committee, some revisions were requested, and they took it back for approval. Mr. Moyer stated that members of the Utilities Sub-Committee were pleased to support AB441, but they did have a significant concern regarding protection of the information they would provide regarding their emergency operation plans. With regard to critical infrastructure, they did not want that information used against them to identify their vulnerabilities.

Mr. Moyer explained that as the Commission develops and moves forward, the information it will receive will be critical and there is a sense of urgency to have the Commission adopt this classification plan as a model. Mr. Myler did say there are some rough edges and some issues that need to be resolved, however the Utility Sub-Committee is comfortable with the overall model.

The package provided to everyone contained two parts. The first part is the Information Protection Policy, defines the types of classifications that are being recommended and it defines the handling procedures for each type. It does not define who has the responsibility for assigning classifications and for developing the policies and procedures. The second part of the plan is the implementation recommendation. This takes the form of a recommendation the Commission can develop and push forward and it acknowledges two separate elements. 1) Someone needs to have the responsibility to develop policies and procedures for implementation of this policy. This would mean someone would need to identify the classes of information required to be secured under this policy. Someone would also need to identify the appropriate agencies and management levels that should be giving classification authority. Those considerations will need to be addressed and the plan has provided outlines for considerations that need to be assigned to someone and the Utility Subcommittee has suggested the Governor's Homeland Security Office be the administrative agent to pull the recommendation together and come back with an implementation plan for the policy.

Mr. Dechman recommended the Commission assign the responsibility, or ask the Governor to assign the responsibility, to designate documents as classified. He also recommended that the Commission recommend to the Governor that the authority for the follow up auditing process be designated to the Attorney General's Office.

Vice-Chairman Keller asked if the Commission would have the impetus for a closed meeting if the Commission were to request the Governor delegate his authority to classify and the Attorney General's Office to audit the classification for presentation to the Homeland Security Commission. This would ensure the Commission would not release any information regarding vulnerabilities. Mr. Myler said he had been in contact with Keith Munro from the Governor's Office and that office is expecting some direction on this from the Commission. Vice-Chairman Keller asked Mr. Myler if the Commission would have the authority to close a meeting to presenters and the Commission members if a document were classified as sensitive by a delegate. Mr. Myler stated that by law, if the Governor delegates that authority, that would be appropriate and allowable.

Commissioner Horne said that AB441 expressly states that the Governor would make the determination on documents and asked if that would still apply? Mr. Myler said that AB441 expressly states the Governor will do that, however it still implies the Governor has the authority to delegate that to someone else.

Mr. Carlini asked if the classification plan had been through some sort of legal review in an effort to provide more authority in exercising the procedures. Mr. Myler said he had reviewed the plan a few days ago however was unable to get through the whole document. He said some of the language was somewhat vague and since the Open Meeting Law and the Freedom of Information Act was so strict, the document would need to be more specific. Mr. Carlini explained the reason for his question was that there seems to be an urgency regarding time and the need for further

legal review of this. There are some things coming forward, even in his own sub-committee, which they will want to consider as “restricted.” Mr. Myler stated that he and Mr. Moyer are planning to meeting soon to get this review completed shortly.

Chairman Bussell asked if the Commission would prefer to wait until the July Commission meeting to reopen the discussion regarding the classification plan. He also asked if the Commission wanted to provide the plan to the Governor’s Office so they could review it and make changes, if necessary. General Vanderhoof requested more time to review the plan and asked if the plan was part of a statewide project, as he is not sure if individual groups can set different policies for classification. He is in full support of the delegation authority and the Attorney General’s review of how the Commission should handle that issue.

Vice-Chairman Keller feels a policy is necessary for the state, however he does not feel the classification plan is in its final form. He suggested this subject be brought back in front of the Commission in July, after legal review has taken place.

Commissioner Lowden asked if there was some process to acquire the Governor’s agreement to authorize the classification process, aside from what is outlined in the plan.

Vice-Chairman Keller said he thought perhaps the Commission’s mission was to make a recommendation to the Governor that he establish a statewide policy for classification and that it come back before the Commission as a presentation, already reviewed by legal and approved by the Governor. The Commission could then recommend the policy/plan be put into place and Vice-Chairman Keller made a motion to that affect. Ms. Peckman seconded the motion and Chairman Bussell asked for any further discussion. The motion was extended to include that the Governor’s Advisor on Homeland Security would be appointed as the point of contact to ensure that the documents fall within the guidelines established. Chairman Bussell called for a vote and the motion as approved unanimously. Chairman Bussell stated this would be an agenda item for the July Commission meeting.

AGENDA ITEM #7: **INTEROPERABILITY STRATEGY (Mr. Robert Chisel, Deputy Director, NV Division of Transportation, Dennis Cobb, Deputy Chief, LV Metro Police Department)**

Chairman Bussell stated Agenda Items #2 and #7 were to discuss the same issue and this agenda item was previously discussed in Agenda Item #2.

AGENDA ITEM #8: **FFY '04 FUNDING MODIFICATION DISTRIBUTION (Mr. Frank Siracusa, Chief, NV Division of Emergency Management, State Administrative Agent)**

During the last Commission meeting, Mr. Siracusa briefed the Commission on the funding strategy of how they would allocate the homeland security dollars and the process for doing so. An agreement was made during that meeting that the Division of Emergency Management (DEM) would continue to fund through the existing process at the county level utilizing the LEPC process. This is a good process and it allows for regional planning and coordination.

There was a Finance Sub-Committee meeting two weeks ago, and during the time between the last Commission meeting and the last Finance Sub-Committee, Mr. Siracusa’s office reviewed the funding process and how that process works. The office receives a grant application, and after the application has been approved and reviewed by the Finance Sub-Committee, they issue a Notice of Grant Award to the county and then to the LEPC. At that point, the county issues a Notice of Grant Awards to their recipients. The Division of Emergency Management has a 60-day period to get the monies obligated and get it spent within a 2-year performance period. Mr. Siracusa said there seemed to be a great deal of time between inter-local agreements arranged with the county and local governments. DEM requested the Finance Subcommittee support them in allowing them to provide direct funding to the local governments. DEM would provide the Notice of Grant Award directly to the cities. DEM would still maintain the same LEPC process with the

coordination and planning, but this new process would allow for a quicker, less bureaucratic process to get the awards down to local governments so they could start the purchase process and get things moving faster. Mr. Siracusa said this will create more work for his staff with additional sub-grants, but he believes this is a good process. Mr. Siracusa asked for approval from the Commission to begin that process for the '04 grant process.

Vice-Chairman Keller said this was the issue brought up by Commissioner Weekly in an earlier meeting regarding the fast track of funding. Once the funding goes through the LEPC's for priority and approval, it goes to the state and the money funnels directly back to the entity of request. Mr. Siracusa agreed and said he felt this would streamline the process. Vice-Chairman Keller made a motion that this process be approved and the motion was seconded. Chairman Bussell called for the vote and the motion was approved unanimously. Mr. Siracusa stated this is only an option, and it is only for those cities that choose to participate. His office will maintain the original process for those political subdivisions that would like to maintain their funding coming through the county.

Chairman Bussell asked Mr. Siracusa for an update regarding the '04 funding. Mr. Siracusa said they had received Notice of Grant Awards on the '04 funding this past Tuesday. They now have a 60-calendar day time frame in order to obligate those funds. Grant applications have gone out to all LEPC's and local governments. Chairman Bussell requested Mr. Siracusa send that information to each of the Commissioners so they have a timeline as to what is going on, especially the Finance Sub-Committee. Chairman Bussell said that the finance Sub-Committee would need at least a week to analyze the different requests, both approved and disapproved by the LEPC's, and asked Mr. Siracusa to provide timelines for this, also.

Mr. Siracusa said they had established a timeline and sequence of events and Ms. Kamala Carmazzi, the DEM Deputy Director, explained the process. The date of award was March 28th, which started the clock ticking for the 60-day time period. The application packages have been sent out to local governments, state agencies and tribal agencies. They anticipate the applications will be sent back by April 12th. From that point, the DEM office will need to be allowed at least two weeks to complete the work needed prior to sending the packages to the Commission. They will review the applications to verify criteria, eligibility, the needs assessments and the state strategy. At the time they bring the packages to the Finance Sub-Committee, they will be able to provide information on the findings, what was found to be ineligible, and they will have all of the verifications made by the Federal Government on all potentially ineligible items. From there, they will explain, from their standpoint, what the applicants have requested and will ask the Commission's guidance in final approval of those applications and potential redistribution of eligible dollars left over that were not utilized through that process.

Ms. Carmazzi said the Division of Emergency Management is faced with a new element in the process called the Initial Strategy Implementation Plan, which was formally known as the Budget Spending Plan with the federal government. They are under the same 60-day guideline with this. Once the Commission has approved the applications, they have to go back to the sub-grantee level and the sub-sub-recipient level to provide detailed documentation to the federal government as to how they are spending those dollars, how they are identified in the form of a project, and then tie all of the projects back to the State Strategy Plan. Ms. Carmazzi said her office would request the assistance of the Finance Sub-Committee in completing that task.

Commissioner Peckman said she feels like the process for the grants seem to put the Commission approval at the end of the preview process versus being in the middle or even at the beginning. With the new reporting process, the Commission has to tie the grants into the state Strategy and priorities. Currently, the LEPCS are being utilized, but as a Commission and as a state, she feels the Commission needs to have funding priorities put into place. There is a State Strategy and a list of 15 funding priorities and we are required to go back to the local governments when they make their funding requests we are required to see that those requests satisfy their own needs and tie into the State Strategy, but are also prioritized funding requests. Funding needs transfer across all different entities and are a high priority of the state. She said she feels the funding is

being handled appropriately when the top five priorities of the state are not just what a certain entity can qualify for in the application.

Ms. Carmazzi said the Federal Government is asking the states to tie what we have approved in the funding requests to a project, or to one of the nine goals and objectives that are outlined in the State Strategy. She stated she felt it would be prudent for the Commission to establish what the statewide goals would be and what should be done first. Right now the State Administrative Agency (DEM) cannot dictate to local government what they can or cannot spend their dollars on and that the State Strategy was provided as a road map to follow.

Vice Chairman Keller asked if, given the time frames, the Commission should set the priorities now. His sense was that the priorities should be set with wide parameters when approving the State Strategy. He said he had spoken with Governor Guinn, and he does not believe it is appropriate for the state to dictate to the jurisdictions and the counties and he concurs with that. The Commission has an over-arching plan that gives us focus, as discussed earlier regarding radio interoperability, and the Commission collectively came together with a recommendation and a plan.

More discussion ensued regarding funding priorities and the Vice Chairman said that next year when the Commission reviews this, the priorities regarding funding would need to be set. If the Commissioner recommends that the priority be radio interoperability, the Commission could enthusiastically pursue that at that time. There are times, given the differences in technologies, capacities and sizing, that there may be a three-year plan to achieve success and another group may have a two-year or a one-year achievement time to meet their part of the interoperability issue. The Vice Chairman said he thought we had an appropriate system and that it would be nice to have pre-approval and direction, but that this year with the Strategic Plan, that will provide the Commission with flexibility to meet the intermediate needs of local jurisdictions. He said that perhaps next year the Commission will have a detailed, statewide, 4-core, interoperability urban and rural plan together with financial costs and the Commission can make the recommendation to the Governor that he support and recommend to local jurisdictions that we fund that. Vice Chairman Keller said he and Commissioner Carlini spoke about this and both agreed that the need is to have all of the grants within legal parameters, as well as having them connected with the goals and objectives within the state plan.

Mr. Siracusa agreed and said there is a need to set goals and objectives. The '04 money is obviously creating a crunch, but there is time to set goals and objectives for the '05 dollars. The Division of Emergency Management feels that in '05, they will be awarded close to what they have been awarded in '04. They have no idea what will happen in '06 and '07 but he stated he and his office will work with the Commission to help set the goals and objectives.

Commissioner Carlini agreed and said he feels we are about a year away from being able to have a statewide, prioritized method for funding. The work all of the subcommittees are going to be participating in over the next year is going to be extremely important and will help the Commission reach some decisions on where we want to spend some of the dollars on a statewide level. The importance will be for the sub-committees to participate to try to get the work accomplished in a timely manner.

Commissioner Young said he had just returned from a Chiefs Meeting and their lobbyist in D.C. said there will be major changes regarding the '05 monies and that the money will not be directed to the state but sent to the urban area program. His concern is maintaining flexibility until President Bush's budget is approved. Commissioner Young requested the Commission set dates for the next meeting to review the grants.

Mr. Siracusa explained that he had heard from his contacts in Washington D.C. that the urban area funding might double for high urban cities, however, they have not heard much as to how criteria will be established.

Senator Nolan asked if the criteria for '04 dollars had changed, and whether there was more of a focus on prevention than response, and whether or not federal criteria was the same. Mr. Siracusa said there was a little shift toward prevention and detection, but overall the categories are much the same as the '03 Phase I and Phase II. Senator Nolan asked how much unused money Nevada had returned and Mr. Siracusa explained that no unused homeland security money was returned. He explained that DEM has a two-year performance period on each of the grants in a grant cycle and that they obligate those monies within a 60-day time frame and they are on a reimbursement basis. They allow one year to the sub-recipients for reimbursement, because if a local government has not spent the money in a one-year period, that still provides one more year to reallocate those monies to another jurisdiction. So, there is a time lag for local governments to initiate purchase orders and it may be 6-8 months before those monies are actually drawn down.

Ms. Carmazzi stated that their office could not allow those funds to roll over into the second year because they are under an obligation to have all of the dollars obligated within 60 days. The actual redistribution of funds, based on demonstrated needs, has to occur within the initial process. DEM has to have all of the funds obligated in 60 days.

Senator Nolan asked who was responsible for reallocating the money that is not spent and whether there was more of an emphasis put on the original grantee to utilize the funds the way they had been requested in the first place. Ms. Carmazzi explained that historically, due to their process, they always had a prioritized list of those items that were requested but not funded due to shortage of funds. She said this would be something that should be discussed and decided upon by the Finance Sub-Committee and Commission. When DEM goes through the initial grant application process, there are items that cannot be funded, and she suggested the Finance Sub-Committee and Commission might want to establish a prioritization process so those funds could automatically be turned back around.

Chairman Bussell asked for additional questions. Commissioner Vanderhoof asked what the process would be for the rest of the Commission once this is done with the Finance Committee. Chairman Bussell stated the Finance Sub-Committee is a working committee and that committee cannot make any decisions but has to bring everything back to the commission. Commissioner Vanderhoof asked if a full Commission meeting would be necessary within the next 60 days. Chairman Bussell said another meeting would definitely be needed within that time and requested Ms. Carmazzi provide the Commission with timelines for the next meeting.

Ms. Carmazzi explained that the deadline date for having grant applications back to their office is a definite deadline date. DEM will review the grant applications and there is a final draft date of April 26th to get them back to their office. The week of April 26th and the week of May 3rd are the two weeks DEM will need to review the documents internally and to prepare for a Finance Sub-Committee and subsequent Commission meeting. A funding matrix will be prepared which will allow everyone to see who is requesting what, how many, and at what cost. She proposed that the Finance Sub-Committee meeting and Commission meeting be scheduled during the week of May 10th, 2004 as that would allow the DEM staff the last two weeks of the month to get the approvals and information keyed into the system. Mr. Siracusa said they would provide the applications to the sub-committee members and make sure all of the items meet the approval list, and will cross-reference the assessments done by the local governments and make sure they are tied to the State Strategy. The DEM staff will do that and will develop a report so the Finance Sub-Committee can review the applications. Ms. Carmazzi said she felt the Finance sub-committee meeting would probably need to be scheduled for two days. One of those days would be to work through the applications and the second day to take the approved items, identify them as projects, and tie them back to the State Strategy for the purpose of reporting. She said the report required is very detailed and the staff will have to have matrix's completed on the sub-grantees and each of the sub-grantees as well.

Vice-Chair Keller suggested the Finance Sub-Committee meeting be scheduled on May 11-12, 2004 and the full Commission meeting on Thursday, May 13, 2004, although he voiced concern

that that will tie up sub-committee and commission members for three full days. Ms. Carmazzi said it would be necessary as the grant application process was a very long process.

Chairman Bussell asked for a motion that the Finance Sub-Committee meet on May 11-12, 2004 and the full Commission meet on May 13, 2004. Commissioner Hadfield made the motion, General Vanderhoof seconded the motion and the vote was unanimous.

AGENDA ITEM #9: **LUNCH BREAK**-Chairman Bussell asked everyone to return to the meeting room by 1:30 p.m.

AGENDA ITEM #10: **SUB-COMMITTEE REPORTS**
All of the sub-committee chairs provided updates regarding their activities, meetings that had been held, and what their future plans were.

AGENDA ITEM #11: **PUBLIC COMMENT**
A gentleman introduced himself to the Commission and stated he had a different type of background and that he had been overseas. His concern was that, as a Nevadan, he had lived in Las Vegas for the past years and that he sees Las Vegas as a major target. He provided his contact information in case anyone was interested in utilizing his services.

AGENDA ITEM #12: **ADJOURNMENT**

Chairman Bussell stated the next Commission meeting was scheduled on May 13th. Commissioner McDonald requested that if any commission member had any changes to the by-laws or legislation that they provide her with that information prior to April 30th. Chairman Bussell adjourned the meeting at 3:19 p.m.